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14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 KINAYA HEWLETT, on Behalf of Herself
17 and all Others Similarly Situated,

18 Plaintiff,

19 v.

20 CONSOLIDATED WORLD TRAVEL, INC.
21 d/b/a HOLIDAY CRUISE LINE,

22 Defendant.

Case No. 2:16-cv-00713-WBS-AC

**STIPULATION AND ORDER
TRANSFERRING ACTION TO THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS**

1 Plaintiff Kinaya Hewlett and Defendant Consolidated World Travel, Inc. ("CWT"), by and
2 through their undersigned counsel, hereby stipulate and agree as follows:

3 WHEREAS, on April 6, 2016, Plaintiff filed her initial Complaint asserting class action
4 allegations against CWT for damages and injunctive relief pursuant to the Telephone Consumer
5 Protection Act, 47 U.S.C. § 227, *et seq.* in the United States District Court, Eastern District of
6 California.

7 WHEREAS, on June 10, 2016, Plaintiff filed a First Amended Class Action Complaint.

8 WHEREAS, as CWT advised the Court in the Joint Status Report filed on August 5, 2016,
9 (Dkt. No. 20), CWT believed, based on the similarity of Plaintiff's allegations and the allegations
10 asserted against CWT in another putative class action, *Bakov v. Consolidated World Travel, Inc. d/b/a*
11 *Holiday Cruise Line, et. al*, No. 1:15-cv-02980 (N.D. Ill.), that this case and *Bakov* are related.

12 WHEREAS, the *Bakov* case was initially filed a year earlier, on April 3, 2015. On May 6,
13 2015, nearly one year before Plaintiff filed this action, a third plaintiff filed a putative class action
14 asserting similar allegations against CWT, this time again in the Northern District of Illinois. *See*
15 *Herrera v. Consolidated World Travel, Inc., d/b/a Holiday Cruise Line*, No. 1:15-cv-0430, at D.E. 1
16 (N.D. Ill.).

17 WHEREAS, the *Herrera* case was consolidated into the *Bakov* case before Judge
18 Leinenweber, and the Consolidated Class Action Complaint was filed on September 17, 2015 (more
19 than six months before Plaintiff filed her initial complaint in this action).

20 WHEREAS, in the course of meeting and conferring over discovery issues, the parties in this
21 action have conferred and have agreed that a transfer of Plaintiff's action to the Northern District of
22 Illinois, so that it can be consolidated for all purposes into the *Bakov* action, is appropriate to avoid
23 duplicative litigation and potentially inconsistent determinations involving seemingly overlapping class
24 memberships, to further the convenience of the parties and witnesses, and to best serve the interests of
25 justice.

26 WHEREAS, Plaintiff's counsel has also conferred with counsel for plaintiffs in *Bakov*
27 regarding the issues of transfer and consolidation.

1 IT IS HEREBY STIPULATED THAT, given the alleged similarities between the two cases
2 and that it appears the same underlying conduct is being challenged, the Parties jointly request that the
3 Court transfer this case to the Northern District of Illinois, pursuant to 28 U.S.C. § 1404(a), so that it
4 may ultimately be consolidated with the *Bakov* action before Judge Leinenweber. The parties agree
5 that all outstanding discovery shall remain in effect.

6 Dated: February 3, 2017

7 BURSOR & FISHER, P.A.

GREENSPOON MARDER, P.A.

8 By: /s/ L. Timothy Fisher
9 L. Timothy Fisher

/s/ Jeffrey A. Backman

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Consolidated World Travel, Inc.

22
23
24 **IT IS SO ORDERED.**

25 Dated: February 3, 2017



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE